

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.230

Civil Writ Petition No.26578 of 2014
DECIDED ON: December 05, 2017

GURNAM SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rakesh Kumar, Advocate,
for the petitioner.

Ms. Jasleen Kaur Sidhu, AAG, Punjab,
for respondent No.1.

Mr. Karan Bansal, Advocate,
for respondents No.2 &3 .

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ especially in the nature of Mandamus directing the respondents to release the retiral benefits i.e. Provident Fund, Leave Encashment, Gratuity, arrear of overtime and Pay Scale along with benefit of proficiency step-ups along with interest @ 18% per annum AS WELL AS re-fix the pension, after calculating the above said benefits, as per his entitlement and further to decide his representation dated December 06, 2014 (P-1).

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2. At the very outset of the arguments, it has been submitted by learned counsel for respondents No.2 & 3 that though the benefits accrued to the petitioner on account of his retirement have already been disbursed including ACP Scale as claimed by the petitioner. But he is not sure about the grant of payment on account of overtime alleged to have been performed by the petitioner during the course of his service. Thus, as per the version of learned counsel for the petitioner, the interest on the delayed payment has not been granted, to which he is legally entitled.

3. Concededly, petitioner stood retired on July 31, 2013 as a Conductor on attaining the age of his superannuation. Though, at the time of his retirement, neither any disciplinary inquiry nor any judicial proceedings were pending against him yet, arrears of pension as well as other benefits have been released/dispensed to the petitioner after an inordinate delay, which is directly attributable to the respondents. They were supposed to make the payment of retiral benefits on the date the petitioner superannuated or a maximum period of three months from the date of his retirement. There is nothing adverse against the petitioner. As per judgments in case *A.S. Randhawa vs. State of Punjab & others, 1997 (3) SCT 468* as well as *Vijay L. Mehrotra vs. State of U.P., 2000(4) SCT 267* and Instructions dated May 10, 1990 issued by the Government of Punjab, petitioner is held to be entitled interest @ 9% per annum, that too, after expiry of three months from the date of his retirement i.e. July 31, 2013 till the actual payment of various retiral benefits was dispensed to the petitioner including arrears on account of ACP Scale(s).

4. As far as claim of arrears of overtime duty performed, it has been pointed out by learned counsel for the petitioner that a separate

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representation has been moved to respondent No.3 regarding which no conscious decision has been taken so far.

5. Thus, instant petition is disposed of with a direction to the respondents to pay interest @ 9% per annum on the delayed payments after expiry of three months from the date of his retirement i.e. July 31, 2013 till the actual payment(s) of the retiral benefits and to consider the representation already made with regard to overtime and to take a conscious decision within a period of two months from the date of receipt of a certified copy of this order. The said amount, if any, shall also be paid to the petitioner along with interest as referred to above.

6. On failure on the part of the respondents to comply with the aforesaid direction or passing of any adverse order qua overtime, the petitioner shall be at liberty to approach this Court.

December 05, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**